

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

v.

Marquan Franklin

Case No. 14-20587

Honorable Sean F. Cox

Magistrate Judge R. Steven Whalen

Defendant.

ORDER ADOPTING
REPORT AND RECOMMENDATION

On December 8, 2015, Defendant Marquan Leroy Franklin filed a Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255, claiming ineffective assistance of trial counsel. (Doc. # 25). Franklin's motion was subsequently referred to Magistrate Judge R. Steven Whalen pursuant to 28 U.S.C. § 636(b)(1)(B).

On December 9, 2016, Magistrate Judge Whalen issued a Report and Recommendation, wherein he notes that Franklin had voluntarily opted to dismiss his § 2255 motion. (Doc. # 48, R&R). Accordingly, the Magistrate Judge recommends that Franklin's § 2255 motion be dismissed.

Pursuant to 28 U.S.C. § 636(b)(1) and E.D. Mich. LR 72.1(d)(2), a party objecting to the recommended disposition of a matter by a Magistrate Judge must file objections to the R&R within fourteen (14) days after being served with a copy of the R&R. "The district judge to whom the case is assigned shall make a *de novo* determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written

objection has been made.” *Id.*

The time for filing objections to the R&R has expired and the docket reflects that neither party has filed objections to the R&R. The Court hereby ADOPTS the December 9, 2016 R&R.

IT IS FURTHER ORDERED that Franklin’s Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255 is DISMISSED.

IT IS SO ORDERED.

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: January 18, 2017

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 18, 2017, by electronic and/or ordinary mail.

S/Jennifer McCoy

Case Manager